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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,285	08/14/2000	Bernard A. Traversat	5181-42900	1202
7590	08/12/2004		EXAMINER	DUONG, OANH L
Robert C Kowert Conley Rose & Tayon PC P O Box 398 Austin, TX 78767-0398			ART UNIT	PAPER NUMBER
			2155	
			DATE MAILED: 08/12/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/638,285	TRAVERSAT ET AL.	
	Examiner	Art Unit	
	Oanh L. Duong	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 June 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

Claim Objections

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 06/04/2004 has been entered.

Response to Arguments

2. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Examiner respectfully requests applicants to specifically point out where in the specification supporting limitation "where the connection to the failover server functions like the connection to the remote network server for configuring the client computer system upon boot up".

Claim Objections

3 Claims 1, 9 and 18 are objected to because of the following informalities: claims 1, 9 and 18 recite the limitation "the connection". There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 9-12, 18 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (US 6,175,918 B1) in view of Basu (US 5,452,454).

Regarding claim 1, Shimizu teaches a computer system (e.g., see Fig. 1), comprising:

 a client storage device (e.g., see col. 4 lines 33-43);
 a processor coupled to said client storage device, wherein said processor is configured to execute software instructions stored in said client storage device (e.g., see col. 4 lines 33-42);
 a network interface configured for connecting said computer system to a remote network server unit, wherein said remote network server unit is configured to provide a file (col. 4 lines 17-22) for initializing and configuring

client computer system when said client computer system boots up (e.g., see col. 4 lines 17-25);

fail-over server (i.e., disconnected mode processing 123) implemented on said client computer system, wherein said fail-over server is configured to provide for configuring client computer system when said client computer system boots up if said remote network server unit is not available (e.g., see col. col. 2 lines 44-47 and col. 4 lines 34-40); and

software manager (i.e., mode selection processing 124) stored in said client storage device, wherein said software manager is configured to connect to said remote network server unit if said server unit is available to configure client computer system upon boot up (i.e., at the time of initialization processing of the client computer, whether the computer is connected to the LAN may be checked, the operation may be selected on the basis of the determination result, col. 2 lines 57-60) **OR** to connect to said fail-over server if said remote network server unit is not available (e.g., see col. 2 lines 57-60 and col. 4 lines 56-61) and configure upon boot up to appear to a user as though said client computer system is connected to said remote network server unit when said client computer system is connected to said fail-over server (i.e., OS initialization processing starts, in this initialization processing, automatic selection processing of device is performed , col. 9 lines 46-48 and col. 4 line 64-col. 5 line 12).

Shimizu does not explicitly teach configuring network environment.

Basu, in the same field of endeavor, teaches configuring environment, wherein the connection to the failover server functions like the connection to the

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remote network server for configuring the client computer system upon boot up (col. 6 line 52-col. 7 line13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the configuring network environment of Basu in the process of booting up computer in Shimizu because such configuring network environment would allow to establish virtually any type of network environment for a remotely booted client, thereby allowing the system to perform effectively.

Regarding claim 9, Shimizu teaches a network computer system (e.g., see fig. 1), comprising

a remote network server unit configured to maintain a file on a remote storage device and to provide said file for initializing and configuring a client computer system (e.g., see col. 4 lines 29-32) when said client computer boots up (col. 7 lines 54-57);

said client computer system coupled to said remote network server unit (Fig. 1) comprising:

a client storage device (e.g., see col. 4 lines 33-43);
a processor coupled to said client storage, wherein said processor is configured to execute software instructions stored on said client storage device (e.g., see col. 4 lines 33-42);

a network interface (i.e., LAN card) configured for connecting said computer system to a remote network server unit (col. 10 lines 18-27);

fail-over server (i.e., disconnected mode processing 123) implemented on said client computer system, wherein said fail-over server is configured to

provide for configuring said client computer system when said client computer system boots up if said remote network server unit is not available (e.g., see col. col. 2 lines 44-47 and col. 4 lines 34-40); and

software manager (i.e., mode selection processing 124) stored in said client storage device, wherein said software manager is configured to connect to said remote network server unit if said server unit is available to configure client computer system upon boot up (i.e., at the time of initialization processing of the client computer, whether the computer is connected to the LAN may be checked, the operation may be selected on the basis of the determination result, col. 2 lines 57-60) **OR** to connect to said fail-over server if said remote network server unit is not available (e.g., see col. 2 lines 57-60 and col. 4 lines 56-61) and configure upon boot up to appear to a user as though said client computer system is connected to said remote network server unit when said client computer system is connected to said fail-over server (i.e., OS initialization processing starts, in this initialization processing, automatic selection processing of device is performed , col. 9 lines 46-48 and col. 4 line 64-col. 5 line 12).

Shimizu does not explicitly teach configuring network environment.

Basu, in the same field of endeavor, teaches configuring environment, wherein the connection to the failover server functions like the connection to the remote network server for configuring the client computer system upon boot up (col. 6 line 52-col. 7 line13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the configuring network environment of Basu in the process of booting up computer in Shimizu

because such configuring network environment would allow to establish virtually any type of network environment for a remotely booted client, thereby allowing the system to perform effectively.

Regarding claim 18, Shimizu teaches method for operating a network computer system including a remote network server unit (i.e., server computer 11) and a client computer system (i.e., client computer 12), said method comprising:

During boot up of said computer system (i.e., when client computer 12 is turned on from OFF state or reset in an ON state, initialization processing by the OS starts, col. 5 lines 38-40) determining whether said remote network server unit is connected to said client computer system (i.e., at the time of initialization processing of the client computer, whether the client computer is connected to the LAN may be checked, operation mode may be selected on the basis of the determination result, col. 2 lines 57-60);

if remote network server unit is not connected to said client computer system, then said client computer system connecting to a fail-over server implemented on said client computer system and using a file stored on a client device (i.e., client computer 12 comprises a local storage 121 so as to operate in a disconnected operation mode in which the client computer is not connected to a network...At the time of initialization processing of the client computer, whether the client computer is connected to the LAN may be check, the operation mode may be selected on the basis of the determination result, col. 2 lines 33-36 lines 57-60),

if said remote network server unit is connected to said client computer system, then using a copy of an operating system from file stored on client storage device to initialize computer system and using a network database file located on the remote network server unit to configure said client computer system during boot up (e.g., see col. 7 lines 54-57 and col. 16 lines 13-22 and lines 48-67).

Shimizu does not explicitly teach configuring network environment.

Basu, in the same field of endeavor, teaches configuring environment, wherein the connection to the failover server functions like the connection to the remote network server for configuring the client computer system upon boot up (col. 6 line 52-col. 7 line13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the configuring network environment of Basu in the process of booting up computer in Shimizu because such configuring network environment would allow to establish virtually any type of network environment for a remotely booted client, thereby allowing the system to perform effectively.

Regarding claims 2, 10 and 20, Shimizu teaches said file comprises a copy of an operating system, a copy of client boot configuration files, and a copy of network database file for configuration network environment for client computer system if remote network server unit is not available (e.g., see col. 4 line 64-col. 5 lines6).

Regarding claims 3, 11 and 21, Shimizu teaches copy of application software (e.g., see col. 4 lines 64-67).

Regarding claims 4, 12, Shimizu teaches operating from copy of an operating system, which is stored on client storage device (e.g. see col. 2 lines 44-47 and cols. 4-5 lines 64-6).

5. Claims 5, 13, 14, 19 and 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu in view of Basu in further view of Fujiwara (US 6,301,710 B1).

Regarding claims 5, 13 and 22, Shimizu teaches updating by matching file between a server and a local storage of client computer and receiving an updated copy (see col. 2 lines 20-27, col. 6 line 63-col. 64 line 22). Shimizu does not explicitly teach using version number for comparison. However, Fujiwara teaches comparing a first group of version numbers associated with files within client file located on client computer system with a second group of version numbers associated with files within a second group of version numbers associated with files located on remote server unit (e.g., see col. 2 lines 49-54 and col. 10 lines 7-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the version number in an analogous system of Shimizu-Basu as taught by Fujiwara because the version number would provide an identical identification characteristics of the file thereby avoiding duplicated copy to be downloaded and enhancing performance of software installation (Fujiwara, col. 2 lines 20-23).

Regarding claims 14 and 23, Shimizu-Basu teaches update server is configured to update file stored on the client storage (Shimizu, e.g., see col. 6 line 63-col. 7 line 16).

Regarding claim 19, Shimizu-Basu teaches in response to reboot command, client computer system receiving an operating system from remote network server unit to initialize the client computer system and using network database file located on remote network server unit to configure client computer system if remote network server unit is connected to client computer system (Shimizu, e.g., see col. 7 line 54-col. 8 line 13 and col. 9 lines 26-55).

6. Claims 6-8, 15-17, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu in view of Basu in view of Fujiwara (US 6,301,710 B1) in further view of Novak et al (Novak) (US 2003/0037020 A1).

Regarding claims 6-7, 15, 17, 24, and 26, Shimizu-Basu-Fujiwara does not teach updating the file based upon a change log. However, Novak teaches updating the file based upon the change log (Novak et al, e.g. see page 3 paragraphs 27-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the change log in Shimizu-Basu-Fujiwara as taught by Novak because the change log provide information regarding records which have been operated upon the database subsequent to updating. Thus the updating process may be performed more rapidly (Novak, page 1 paragraph 6).

Regarding claim 8, 16 and 25, Shimizu teaches a heartbeat thread, which monitors a connection to said remote network server unit (see col. 2 lines 57-65 and col. 6 line 63-col. 7 line 16).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D
August 7, 2004

Hosain
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SUPERVISORY PATENT EXAMINER